

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

### DECCELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND TISSUES

the specification of which (I authorize Choate, Hall & Stewart to check one of the following three choices, and fill in the blanks, if applicable):

X is attached hereto

\_\_\_\_\_ was filed on \_\_\_\_\_ as Application Serial No. \_\_\_\_\_ and amended on \_\_\_\_\_ (if applicable).

\_\_\_\_\_ was filed as PCT international application No. \_\_\_\_\_, on \_\_\_\_\_ and was amended under PCT Article 19 on \_\_\_\_\_ (if applicable).

I hereby state that I have reviewed and understood the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledged the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s):	Priority Claimed
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(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No
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(Number)	(Country)	(Day/Month/Year/Filed)	Yes	No
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I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

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(Application Serial No.)	(filing date)	(status-patented, pending, abandoned)
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(Application Serial No.)	(filing date)	(status-patented, pending, abandoned)
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PCT Applications designating the United States:

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(PCT Appl. No.)	(U.S.S.N.)	(status-patented, pending, abandoned)
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I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national filing date of this application.

Provisional Application(s):

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60/225,698	8/16/2000	Pending
(Application Serial No.)	(filing date)	(status)

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(Application Serial No.)	(filing date)	(status)
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United State Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Full name of first inventor Shannon Mitchell

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence \_\_\_\_\_ Durham, NC

Citizenship U.S.

Post Office Address Duke University, Box 90281, 136 Hudson Hall, Durham, NC 27708

Full name of second inventor Jennifer Koh

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence 11 Laurelglen, Irvine, CA 92614

Citizenship U.S.

Post Office Address \_\_\_\_\_

Full name of third inventor Vikas Prabhaker

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence \_\_\_\_\_ Durham, NC

Citizenship U.S.

Post Office Address Duke University, Box 90281, 136 Hudson Hall, Durham, NC 27708

Full name of fourth inventor Laura Niklason

Inventor's signature \_\_\_\_\_ Date: \_\_\_\_\_

Residence \_\_\_\_\_ Hillsborough, NC

Citizenship U.S.

Post Office Address Duke University, Box 90281, 136 Hudson Hall, Durham, NC 27708

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**ATTORNEY DOCKET NUMBER: 2002906-0002**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Mitchell et al.

Serial No.: ,

Filing Date: August 16, 2001

Title: DECELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND  
TISSUES

ASSISTANT COMMISSIONER FOR PATENTS  
WASHINGTON, DC 20231

Sir:

**APPOINTMENT OF ATTORNEY**

The undersigned hereby appoints Sam Pasternack, Registration No. 29,576; Brenda Herschbach Jarrell, Registration No. 39,223; Kevin M. Tormey, Registration No. 41,351; Karoline Shair, Registration No. 44,332; Elizabeth Nugent, Registration No. 43,839, Valarie B. Rosen, Registration No. 45,698; Anne Marie Dinius, Registration No. 45,592; C. Hunter Baker, Registration No. 46,533; Monica R. Gerber, Registration No. 46,724; and Elijah Cocks, Registration No. 47,499 and John A. Hamilton, III, Reg. No. P-48,946 as its attorneys and agents for prosecution of matters relating to the above-identified patent application and to conduct all business in the United States Patent and Trademark Office.

All correspondence should be sent to Monica R. Gerber, M.D., Ph.D., Choate, Hall & Stewart, Exchange Place, 53 State Street, Boston, Massachusetts 02109.

Respectfully submitted,

Name: \_\_\_\_\_

Title: \_\_\_\_\_

On behalf of \_\_\_\_\_

Dated:

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ATTORNEY DOCKET NO.: 2002906-0001 (DUKE 1681)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Prabhakar, et al.

Serial No.:

Filed:

For: DECELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND TISSUES

Assistant Commissioner of Patents

Washington, DC 20231

**VERIFIED STATEMENT (DECLARATION)**

**CLAIMING SMALL ENTITY STATUS**

**37 CFR 1.9(f) and 1.27(d)**

**NON-PROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the non-profit organization identified below:

NAME OF ORGANIZATION: Duke University  
ADDRESS OF ORGANIZATION: 230 North Building  
Research Drive  
Durham, NC 27708

TYPE OF ORGANIZATION:

(X) University or other organization of higher education  
( ) Non-profit scientific or educational organization under a statute of a state of the United States of America  
NAME OF STATE:  
CITATION OF STATUTE:  
( ) Would qualify as tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3) if the organization were located in the United States of America  
( ) Tax exempt under the Internal Revenue Service Code (26 USC 501(a) and 501(c) (3)).

( ) Would qualify as a non-profit scientific or educational organization under a statute of a state of the United States of America

NAME OF STATE:

CITATION OF STATUTE:

I hereby declare that the above-identified non-profit organization qualifies as a non-profit organization as defined in 37 CFR 1.9(e), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code.

I hereby declare that rights under contract or law have been conveyed to and remain with the above-identified non-profit organization with regard to the invention titled:

TITLE: DECCELLULARIZED TISSUE ENGINEERED CONSTRUCTS AND TISSUES

by:

INVENTORS: Vikas Prabhakar  
Jennifer Koh  
Laura E. Niklason

described in:

(X) the specification filed herewith  
( ) U.S. Patent Application Serial Number \_\_\_\_\_  
      filed \_\_\_\_\_  
( ) U.S. Patent Number \_\_\_\_\_ issued \_\_\_\_\_

If the rights of the above-identified non-profit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor(s), who could not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention, attesting to their status as small entities. (37 CFR 1.27).

FULL NAME:

ADDRESS:

( ) INDIVIDUAL ( ) SMALL BUSINESS CONCERN (X) NON-PROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

Robert L. Taber, Ph.D.

TITLE IN ORGANIZATION:

Vice Chancellor, Science and Technology  
Development

ADDRESS OF PERSON SIGNING:

Duke University  
Office of Science and Technology  
230 North Building  
Durham, NC 27708

SIGNATURE: 

DATE: 

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DRAFT - FEE - DRAFT